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COMMISSION ON HUMAN RIGHTS

Fifty-first session

SUMMARY RECORD OF THE 44th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 February 1995, at 3 p.m.

Chairman: Mr. BIN HITAM (Malaysia)

later: Mr. MEGHLAOUI (Algeria)
(Vice-Chairman)

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The meeting was called to order at 3.45 p.m.

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(agenda item 11) (continued) (E/CN.4/1995/5 and Add.1, 42-45, 46, and Add.1, 48, 49, 50 and Add.1-3, 51, 107, 113 and 147; E/CN.4/1995/NGO/5, 8, 22 and 28)

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 21) (continued) (E/CN.4/1995/85, 87 and Add.1, 88, 89 and Add.1 and 90; E/CN.4/1995/NGO/10; A/49/635 and Add.1)

1. Mr. Young Sam MA (Republic of Korea) said that recent developments with regard to human rights arrangements in the Asia-Pacific region included three United Nations workshops for the purpose of discussing human rights issues and building a consensus on the subject among the States of the region. The first workshop had been held at Manila in 1990, the second at Jakarta in 1993 and the third at Seoul in July 1994.

2. The Seoul workshop, which had been hosted by his Government in cooperation with the Centre for Human Rights, had agreed that such workshops should be organized annually, if possible, in order to promote open and free discussions of human rights issues in the Asia-Pacific region. The participants had taken note of the need for an evolutionary approach to the development of a regional human rights arrangement and had recognized the importance of the continued involvement of the United Nations in that process.

3. The Seoul workshop had also considered the question of national human rights institutions and their role in the promotion and protection of human rights in the region. The participants had noted that, in a region as diverse as the Asia-Pacific region, the implementation of human rights at the national level was crucial. In that regard, the workshop had welcomed the recent decisions of several States to establish or to consider the establishment of national human rights institutions.

4. The workshop had also discussed such topics as national human rights action plans to be drawn up by each country in order to facilitate, inter alia, the ratification of international human rights instruments. Participants had also been advised how the Centre for Human Rights could

enhance its role in the promotion of human rights in the region by providing more information on the programmes that were available under the Voluntary Fund for Technical Cooperation in the Field of Human Rights.

5. His Government would do everything possible to implement the agreements reached at the workshop which, it hoped, would serve as an important stepping stone towards the creation of a better human rights environment in the Asia-Pacific region.

6. Mr. GOONETILLEKE (Sri Lanka) recalled that, at the Commission's fiftieth session, his delegation had addressed only the positive aspects of the report of the Representative of the Secretary-General (E/CN.4/1994/44/Add.1), who had visited Sri Lanka in November 1993. That approach was to be explained by his Government's commitment to the policy of cooperation and openness with the human rights mechanisms of the United Nations and its desire not to obstruct the Representative from comprehensively addressing the worldwide phenomenon of internally displaced persons. Furthermore, given its positive policy in respect of internally displaced persons, his Government welcomed praise as well as criticism.

7. However, the Representative's current report (E/CN.4/1995/50), contained certain unfortunate imprecisions which needed correction. For example, in his analysis of the regional parameters influencing internal developments in countries, the Representative referred to "The involvement of India in the internal armed conflict of Sri Lanka" as "exemplary" (para. 27). His delegation would welcome some clarification as to the meaning of that statement.

8. In paragraph 28, which dealt with protection and assistance concerns, the report stated that "the situation of displaced indigenous people, in particular in Colombia, and to a lesser extent in Sri Lanka, was also a subject of concern". That reference, which had been absent from the Representative's two previous reports, was quite incorrect, since no displaced indigenous community existed in Sri Lanka. Internal displacement in the country was not limited to a particular population or group but affected a cross-section of the Sri Lankan community, which comprised Sinhalese, Tamils and Muslims. Indeed, nowhere in his report did the Representative refer to having met any displaced indigenous people.

9. The report contained many other sweeping and baseless remarks, such as the statement that "displaced Tamil women in Sri Lanka had been raped prior to their displacement" (para. 30). The ends of justice would have been met if the report had provided the basis for that finding.

10. The Representative's previous report (E/CN.4/1994/44/Add.1) had called upon the Liberation Tigers of Tamil Ealam (LTTE) to abide by the principles of humanitarian law, cease further expulsions of Muslims or other ethnic communities and permit the free exit of Tamils from the areas it controlled. Paragraph 60 of the current report stated that "United Nations sources have reported that no new expulsions were reported in 1994". Anyone familiar with the situation in Sri Lanka would concede that no new expulsions had occurred,

but as a result not of the LTTE's willingness to abide by humanitarian law but rather because there were no more Muslims to be expelled from the areas it controlled.

11. His delegation had focused on the inaccuracies in the report in good faith and was well aware that there were numerous areas in which balanced and positive views had been expressed. He wished to pledge his Government's continued cooperation to the Representative of the Secretary-General in the discharge of his mandate.

12. The importance which Sri Lanka attached to the work of the Representative was shown by the fact that one of the first initiatives taken by the newly established Government was to study the problem of internal displacement and to formulate revised policy guidelines. The Government had also provided information on the follow-up action taken on the specific proposals addressed to it by the Representative. Since the submission of that response, however, a number of important developments had taken place in the country. An agreement on cessation of hostilities, signed between the Government and the LTTE, had come into force on 8 January 1995. That achievement was a first step on the road to a durable solution. Several committees, headed by eminent persons from Canada, Norway and the Netherlands, had been appointed to oversee the cessation of hostilities. The Government had also pledged US$ 800 million for the reconstruction and rehabilitation of the Northern Province, including the restoration of the electricity supply and the reconstruction of roads, railways, schools and hospitals.

13. With regard to freedom of opinion and expression, his Government had proposed a number of constitutional reforms aimed at enshrining the right to information and correspondence among the cluster of new freedoms. Moreover, in response to the concern expressed by interested sections of the international and local non-governmental community about the restrictions placed on media freedom during the previous administration, media reforms had also been proposed with the aim of making the media free and open. However, the legacy inherited by the Government from an era during which the ethics of journalism and the inviolability of journalists had not been respected could not be easily overcome. The Government's unequivocal condemnation of the recent attack on two journalists in suburban Colombo had nevertheless sent a clear message that it would not condone any attacks on press freedom.

14. In the area of national human rights mechanisms, legislation establishing a national human rights commission was currently before Parliament. The commission's functions would be to monitor the propriety of executive and administrative practices and procedures brought to its notice. Its investigative functions would include inquiries into complaints regarding the infringement of fundamental rights. It would also exercise advisory functions in the formulation of legislation and administrative directives and procedures and would have the power to initiate investigations, including investigations into alleged violations of human rights by members of terrorist groups.

15. Finally, his delegation welcomed the preliminary report of the Special Rapporteur on violence against women (E/CN.4/1995/42), which provided a thorough analysis of the problems involved. His Government would give due consideration to the recommendations contained in paragraph 315 of the report.

16. Mr. NIKIFOROV (Russian Federation) said that the phenomenon of mass exoduses and displaced persons had taken on such massive proportions as to threaten the peace and stability of whole regions. Mass population movements were closely linked to systematic and gross violations of human rights and fundamental freedoms, and led to a vicious circle whereby those rights and freedoms were further violated.

17. Racial, ethnic and religious intolerance had become the scourge of contemporary society. The policy of fostering the development of indigenous nations at the expense of the rights and freedom of national minorities, more specifically Russian-speaking minorities, had resulted in an alarming increase in the migratory flows into the territory of the Russian Federation. A further cause of mass exoduses was armed separatism, which condemned peoples to suffering and disregarded their basic right to live peacefully in their homes, compelling thousands of them to become refugees in their own country.

18. Among the still unresolved questions raised in the report of the Representative of the Secretary-General on internally displaced persons (E/CN.4/1995/50) were the selection and empowerment of an operative organ of the United Nations system to provide rapid and effective protection for internally displaced persons, and the elaboration of a code of principles applicable to such persons. A wide range of issues undoubtedly fell within the domestic competence of States but the elaboration of common standards would help to ensure that individual countries regarded the protection of and assistance to internally displaced persons by the international community as a supplement to their own efforts rather than as interference in their domestic affairs.

19. In that regard, the paragraph in General Assembly resolution 48/135 welcoming the provision of protection and assistance to the internally displaced by the Office of the United Nations High Commissioner for Refugees (UNHCR) under specific circumstances was extremely significant. An experiment in such cooperation was currently under way in the Russian Federation, and the Russian authorities were ready to develop it further. In that connection, his Government had been one of the initiators of a proposal to convene a conference to consider the problems of refugees, returnees and displaced persons in the CIS countries and neighbouring States, which was to be held under the auspices of UNHCR not later than in 1996.

20. His delegation supported the renewal of the mandate of the Representative for a further three-year period. Among the questions requiring the Representative's urgent attention were a strategy for preventing new flows of internally displaced persons, the role of regional organizations and associations, strengthening the early-warning mechanism and the adoption of measures to forestall such flows. In his delegation's view, the strategy must include measures to eliminate the consequences of movements of refugees and displaced persons, and a strengthening of international machinery for the provision of humanitarian aid in exceptional situations.

21. Throughout its existence, the United Nations had progressively intensified its efforts to establish machinery in the field of the encouragement and protection of human rights. That process involved two closely related stages. The first was that of standard-setting and the second - which had begun at the end of the 1960s - was the development of monitoring mechanisms and procedures to ensure the application of those standards. There were currently 26 special procedures of various kinds which, together with treaty and other bodies comprised the so-called "human rights machinery".

22. The rapid growth of that machinery had, however, been accompanied by a corresponding growth in internal and external problems. Recognition of the seriousness of those problems, which were becoming an obstacle to its smooth functioning, and of the need for action on the part of the Commission, were apparent in the recommendations adopted at the first meeting of special rapporteurs, special representatives, experts and chairpersons of working groups, held in mid-1994.

23. There could be no doubt that one of the basic shortcomings of the human rights machinery, namely, duplication, resulted from a lack of coordination in the work of the various procedures, creating problems for both the experts and Governments, and resulting in an overloading of the Centre for Human Rights and irrational use of its resources. Coordination of activities or exchanges of experience and information among the special procedures and treaty bodies were thus necessary. The constant attempts to restructure and reorganize the work of the Centre did not facilitate that task. On the other hand, it must be acknowledged that, in its inconsistent and sporadic activities to determine who should play that basic coordinating role, the Commission itself had not promoted the development of close coordination.

24. An encouraging aspect of the Commission's work at its current session was the fact that many draft resolutions were beginning to give a tangible content to the mandate of the High Commissioner for Human Rights, a post whose establishment should lead to an improvement in the functioning of the human rights machinery. His delegation was confident that the High Commissioner would take the necessary steps to ensure that that machinery was put to the most effective use.

25. National institutions had also an important role to play in the protection of human rights and fundamental freedoms. The international conference on national institutions for the promotion and protection of human rights, held in Paris in October 1991, had provided a decisive impetus for the establishment of such structures in States in which such institutions had not previously existed, and the Principles relating to the status of national institutions had proved a useful instrument in that regard. Moreover, the establishment in 1993 of the Coordinating Committee on national institutions would help to strengthen the global infrastructure of such institutions and their role at the national level. A conspicuous example of that role was provided by the activity of the Parliamentary Commissioner for Human Rights of the Russian Federation, who was acting as a defender of human rights and freedoms during a tragic period in the country's history.

26. On agenda item 21, he said that, although there had been positive advances in the Centre's activity in that area, the potential of advisory services in establishing the bases for a culture of human rights in individual countries was still far from being fully exploited. One of the crucial components of advisory services was their preventive and deterrent function in unstable States. However, it was important not to devote less attention to those countries that had recently embarked on the road to democratic reforms.

27. The Centre for Human Rights and the Voluntary Fund for Technical Cooperation in the Field of Human Rights must together devote more energy to publicizing projects with a view to finding ways and means of implementing them. Cooperation between the Centre and the United Nations Development Programme, with regular stocktaking and evaluation of projects, might lead to fruitful results in that area. Due attention should be paid to the recommendations of treaty bodies and other mechanisms regarding the need to provide advisory services to individual countries.

28. Ms. LITHGOW (Australia) said that her Government and the Australian Human Rights and Equal Opportunity Commission had drawn upon experience in Australia in responding to requests from other countries, particularly in the Asia and Pacific region, for advice on establishing independent national human rights institutions. The establishment of such institutions would continue to provide momentum towards the development of a regional arrangement for the promotion and protection of human rights in the Asia and Pacific region, along the lines of the regional mechanisms already in place in Europe, the Americas and Africa, which complemented United Nations machinery and national institutions and provided a valuable mechanism for sharing national experiences. Her delegation had consistently sponsored General Assembly and Commission resolutions on regional arrangements for the promotion and protection of human rights in the Asia and Pacific region, and looked forward to further cooperation between the Governments and national institutions in the region and the Centre for Human Rights.

29. On the question of the human rights of people with disabilities, she said that a major advance in the protection of the human rights of the disabled in Australia had come with the enactment of the Disability Discrimination Act of 1992, which ensured that people with a disability were entitled to the same rights and opportunities as other Australian citizens by providing a framework for the elimination of discrimination in employment, education, the provision of goods and services, and areas such as access to public buildings.

30. The legislation addressed Australia's obligations under the United Nations Declaration on the Rights of Disabled Persons and instruments such as the International Covenant on Civil and Political Rights and ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation. It had already proved very effective in dealing with issues such as access by the disabled to mainstream government services that the rest of the community took for granted. Her Government would welcome any opportunity to improve regional and international cooperation designed further to protect the rights of the disabled.

31. Her delegation was concerned about the plight of those suffering discrimination because of their HIV-positive status. Such discrimination fostered the spread of the virus, making it difficult for individuals to acknowledge that they were infected and thereby ensure that others were protected. In communities where rights relating to information, education and employment were respected, people were in a stronger position to protect themselves and others from HIV infection. Australia had passed legislation making it unlawful to discriminate against people infected with HIV/AIDS or believed to be so infected, and urged Member States to support the establishment of a joint and co-sponsored United Nations Programme on HIV/AIDS.

32. Another area of discrimination still to receive serious attention within the United Nations was that of sexual orientation. Discussion of that issue - though inevitably difficult in view of the diversity of political, cultural and religious traditions in the international community - was nevertheless long overdue. Australia had legislation relating to discrimination on the basis of sexual preference in employment, and urged the United Nations to enter into a dialogue aimed at ensuring that individuals were not discriminated against on those grounds.

33. Her delegation was also committed to the elimination of violence against women, and had been a sponsor of the resolution establishing the post of Special Rapporteur on that question. It generally supported the recommendations contained in the Special Rapporteur's preliminary report (E/CN.4/1995/42) and encouraged all States to provide comprehensive information to support her ongoing work. It favoured the presentation by the Special Rapporteur of her preliminary report to the Fourth World Conference on Women, as well as her initiative in encouraging the formulation of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

34. In 1992, the Australian National Committee on Violence Against Women had released a national strategy providing objectives in the areas of legislative reform, enforcement of existing laws, education and access to legal services. Her Government had commissioned a major inquiry by the Australian Law Reform Commission into women's equality before the law, which had dealt with the links between access to justice and violence. One major recommendation of the inquiry was the establishment of a national women's justice programme to address inequality before the law. Her Government had also attempted to address the issue of gender bias within the legal profession, by providing funds for the Australian Institute of Judicial Administration to develop a gender-awareness programme for magistrates and judges.

35. National institutions could play a vital role in all those areas, and Australia regarded the creation of institutions and machinery to promote the observance of international human rights standards at international, regional and domestic levels as a priority.

36. Mr. DOBREV (Bulgaria) said that rationalization of the Commission's agenda and working methods was one of the most effective ways of improving the functioning of the United Nations human rights machinery. His delegation

therefore regretted the failure of the open-ended working group to reach a consensus on any of the items submitted for its consideration by the Commission.

37. The Commission was a complex body which, over the years, had acquired a variety of functions. It was first and foremost a political forum but also a standard-setting body and an organ with para-judicial functions. The Commission was also, however, a forum for discussing ways and means of promoting human rights and fundamental freedoms and examining cases of gross violations of human rights. It had thus become an important means of ensuring adequate transparency in the human rights policies of Governments. Any attempt to rationalize the overall work of the Commission should preserve that balance and take into account three principles.

38. First of all, reform should enable the Commission to play an important role in preventing large-scale violations of human rights and fundamental freedoms and not merely in registering them. Secondly, the reform of the Commission's agenda should reflect the new political realities in the world. And, thirdly, reform should increase the transparency of the Commission's work.

39. His delegation was pleased to note that some of the reforms suggested by the open-ended working group were being implemented during the Commission's current session, including a simplified procedure for the delivery of statements by dignitaries, the removal of certain outdated items from the agenda, and the consolidation of several resolutions pertaining to a single subject.

40. The coordination of human rights activities within the United Nations system was of utmost importance for the effective promotion of human rights and fundamental freedoms. In that connection, the Centre for Human Rights had an important role to play as the focal point of all United Nations human rights activities. The Centre, however, urgently needed assistance in both budgetary and human resources. Increased resources should therefore be sought from within existing and future budgets of the Organization and from extrabudgetary sources. For its part, the Centre should take steps to improve its administration and management.

41. His Government thus strongly supported the decision of the High Commissioner for Human Rights, in accordance with his mandate to rationalize and streamline the United Nations human rights machinery, to examine the Secretariat's human rights machinery, particularly the Centre for Human Rights.

42. His delegation appreciated the High Commissioner's firm commitment to the fulfilment of his mandate, the preventive aspect of which was the most important. The tragic case of Rwanda was an example of how the post of High Commissioner for Human Rights could serve as an early-warning mechanism for gross violations of human rights. To be able to play a preventive function, however, the High Commissioner needed to have an independent information-gathering system. Member States should therefore give urgent

consideration to the possibility of voting additional budgetary resources in the General Assembly to enable the High Commissioner to discharge his mandate fully and effectively.

43. Mr. Meghlaoui (Algeria), Vice-Chairman, took the Chair.

44. Mr. HAREL (France), speaking also on behalf of the European Union and of Bulgaria, the Czech Republic, Hungary, Poland, Romania and Slovakia, said that the programme of advisory services and technical assistance, which represented an important part of the work of the Centre for Human Rights and the High Commissioner for Human Rights, was vital to the building of democracies and the prevention of human rights violations.

45. The promotion and protection of human rights provided the basic foundation for development, the ultimate goal of which was the dignity and well-being of the individual. Achieving that goal required a transparent and democratic structure, effective management of public affairs and primacy of the rule of law.

46. Advisory services could be used to prevent the outbreak of conflict. In the case of Rwanda, the international community had failed to realize in time the gravity of the situation in the country. The decision of the High Commissioner to send emergency advisory assistance to neighbouring Burundi had thus been appropriate.

47. Advisory services were also needed after conflicts had been resolved, when countries were in the process of rebuilding democratic institutions and holding elections. Such assistance helped restore respect for human rights, as in the case of Cambodia. Advisory services could also help States manage the reintegration of returnees.

48. There was also a need for advisory services in conjunction with the work of United Nations peace-keeping forces. All peace-keeping operations should include a human rights component and make full use of the advisory services available.

49. Recourse to advisory services and technical assistance did not in any way relieve States of their obligation to promote and protect human rights. Advisory services and technical assistance should never take the place of United Nations monitoring and investigation activities.

50. It was not possible to achieve economic development and political stability without effective enjoyment of human rights. In fact, any action in favour of human rights was ultimately in the service of global development. The countries he was representing thus firmly rejected the argument that human rights activities had the effect of draining potential resources from the sphere of development.

51. The countries he was representing endorsed the high priority accorded by the High Commissioner for Human Rights and the Secretary-General to the programme of advisory services and technical assistance. The World Conference on Human Rights had recommended that that programme be strengthened, including an increase in the allocation of regular budget resources. The programme must

be developed to meet the ever-increasing demands for services. Experienced staff must be hired and outside expertise should be used more effectively. The Centre for Human Rights must carry out thorough assessments before proposing and implementing any particular project.

52. A clear distinction must be made between advisory services, financed from the regular budget, and technical assistance, financed by the Voluntary Fund for Technical Cooperation in the Field of Human Rights. The regular budget should be structured to finance all basic activities such as training, seminars, fellowships and the advisory services of experts. Despite the substantial increase in regular budget funding, however, the Voluntary Fund would still have to cover activities which would normally be funded from the regular budget.

53. The countries he was representing appreciated the work of the Fund's recently appointed Board of Trustees. The Board had helped improve the management of the Fund, as demonstrated by the increased transparency of the information transmitted to donors and beneficiaries. In that connection, it would be useful for the Board to hold more information meetings which, as in the past, would be open to all States.

54. No one had yet been named to replace the previous Fund Coordinator, who had left the post in May 1994. The Board of Trustees needed a Coordinator in order to fulfil its mandate effectively. It was regrettable that the Board's recommendations did not always receive adequate follow-up.

55. Voluntary contributions, the majority of which were provided by European Union members, had reached a near-record high in 1994. Yet there were still not enough resources to meet the growing demands for services. The Centre for Human Rights must continue to examine the role of advisory services and endeavour to collaborate even more closely with United Nations organs and specialized agencies.

56. Mr. ENDO (Japan) said that the World Summit for Social Development and the Fourth World Conference on Women would assist in achieving an equal partnership between women and men.

57. His Government attached great importance to women's rights and welfare. In 1985, Japan had ratified the Convention on the Elimination of All Forms of Discrimination against Women and, two years later, it had adopted a national plan of action in line with the Nairobi Forward-looking Strategies for the Advancement of Women. While it had made some progress in promoting the cause of women's rights, particularly in the area of de jure equality, there were still certain difficult obstacles to be overcome.

58. Violence against women was not a new issue. Past incidents must be faced with honesty and directness. Efforts must be made to change social and cultural behaviour patterns, with particular emphasis on everyday life. Women were particularly vulnerable in times of social turmoil and they were often victims in situations involving conflict. In that connection, he appreciated the work of the Special Rapporteur on violence against women, who had provided an assessment of current situations along with recommendations for action.

59. His Government had conducted in 1993 a study on the issue of "comfort women". It had repeatedly expressed its profound and sincere remorse and apologies to all those women who had suffered the immeasurable pain and incurable physical and psychological wounds associated with that experience. However, with regard to the legal aspects of the issue, all claims relating to the Second World War, including those concerning "comfort women", had been dealt with in good faith in accordance with the Charter of the United Nations and other relevant international agreements. Moreover, former "comfort women" had no legal grounds under international law for claiming compensation from the Japanese State.

60. In a statement delivered in August 1994, the Prime Minister of Japan had expressed his sincere apologies and remorse with regard to the sufferings of the "comfort women". In that connection, he had announced the Peace, Friendship and Exchange initiative, designed to promote mutual understanding with the countries and regions concerned, to help face the past directly and to transmit information about it to future generations. The initiative, which would begin in 1995, would support historical research and would also establish exchange programmes and, possibly, a historical-document centre.

61. The Prime Minister had also expressed the desire to find a way for all Japanese people to participate in the process of apology and remorse. As a step in that direction, establishment of the Asian peace and friendship fund for women was currently under consideration.

62. His Government was keenly aware of the importance of international cooperation and intended to place even greater emphasis on economic cooperation in areas relating to the advancement of women.

63. Mr. ZHANG Yishan (China) said that rationalization of the work of the Commission on Human Rights had become a matter of general concern. The informal open-ended working group on the issue had allowed delegations to exchange views and it had been generally acknowledged that the Commission was in need of a comprehensive reform. Reclustering agenda items was only part of the process. Provided that delegations worked together in a spirit of good will and compromise, his delegation was sure that consensus could be reached on all issues relating to the reform.

64. At the meeting of the open-ended working group in September 1994, his delegation had made a number of suggestions, including streamlining the agenda, giving equal treatment to the two categories of human rights, reducing the Commission's workload, standardizing the participation of non-governmental organizations and eliminating selectivity.

65. The composition of the Commission was still not a rational one and did not conform to the principle of equitable geographical distribution. That matter should be placed on the agenda as soon as possible. Two suggestions in that regard were worthy of consideration: a proportional increase in the members from underrepresented regions and expansion of the Commission's membership to include all the Member States of the United Nations.

66. Thematic rapporteurs and working groups had done a great deal to promote and protect human rights. In some cases, however, working groups were acting beyond the scope of their mandate; they were refusing to give serious consideration to replies from Governments, failing to respect sovereign judicial decisions, and reaching hasty decisions. Such methods cast doubts on the impartiality of those working groups.

67. Thematic rapporteurs and working groups played an important role in monitoring the implementation of human rights instruments and channelling communications between the Commission and Governments. His delegation hoped that they would live up to the trust placed in them by the members of the Commission and carry out their work in an impartial and objective manner. In his delegation's view, it would be appropriate to elaborate a set of rules and regulations governing the working methods of rapporteurs and working groups, a task that could be integrated into the efforts to reform the Commission's work.

68. The Centre for Human Rights had already held three human rights workshops in the Asia and Pacific region, which had facilitated cooperation among the countries concerned. Such activities were useful and should be encouraged.

69. States were responsible for promoting and protecting the human rights of their citizens and national institutions were essential to that task. Nevertheless, the type of human rights institution varied from country to country depending on its particular circumstances. In China, human rights institutions were not subsumed under one single entity; instead, a network of structures ensured the promotion and protection of human rights. The National Commission for Ethnic Minority Affairs was responsible for human rights issues involving minorities. Government Communications Offices handled human rights complaints and special divisions monitored the activities of Government officials. Civil and judicial committees on human rights issues existed at various levels within the People's Congress.

70. As China achieved greater economic development and strengthened its democratic institutions, the human rights network would play an increasingly important role in the promotion and protection of human rights, helping to maintain social harmony and stability.

71. Mr. MIRCEA (Romania) said that the Principles relating to the status of national institutions, contained in the annex to General Assembly resolution 48/134, were valuable because they provided the basic framework for the establishment and operation of such institutions.

72. The Secretary-General had submitted to the Commission a report concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights. That issue could not be easily resolved and it was, perhaps, even premature to raise it. Moreover, the recommendations contained in the Secretary-General's report would not necessarily lead to a consensus solution.

73. The most effective action at that juncture would be to promote the development of national institutions, which should be designed in response to the problems and conditions specific to the country concerned. The Commission

and the Centre for Human Rights should continue helping national institutions by providing technical assistance. In that connection it should be borne in mind that the basic role of national institutions and non-governmental organizations was to help resolve rapidly and efficiently, and in cooperation with Government institutions, concrete problems in the field of human rights.

74. Another topic that should be considered in the framework of sub-item (a) of agenda item 11 was that of tolerance, which had already formed the subject of two important resolutions, namely General Assembly resolution 48/126 proclaiming 1995 to be the United Nations Year for Tolerance and resolution 49/213 containing the main recommendations concerning the Year. The Commission and Sub-Commission should make a substantial contribution to that effort, notably in the preparation of the declaration of principles and programme of action scheduled for adoption by the General Assembly at its fifty-first session as a follow-up document to the Year. The principle of tolerance, which was enshrined in the preamble to the Charter of the United Nations and had been vigorously reaffirmed at the World Conference on Human Rights, was eminently suited to codification.

75. All the relevant bodies of the United Nations system should be mobilized to contribute to the documentation that would be submitted to the General Assembly at its fifty-first session. It would also be useful if the Centre for Human Rights were to hold a workshop or a technical meeting of experts on the subject later in 1995. Building on the results of those efforts, the Commission would then be in a position to adopt a substantive resolution as its contribution to the United Nations Year for Tolerance.

76. Mr. NATWAR SINGH (India), having described the progress made in India towards securing the human rights of women, said it was not easy to talk about the topic in general terms, because the status of women cut across socio-economic, cultural and religious lines and depended upon the group to which the women belonged. However, women had always enjoyed high status in India. There was no prejudice against women rising to the top in any field. The Indian National Congress had had three women Presidents even before independence, and the former Prime Minister, Indira Gandhi, symbolized the strength of women in modern Indian society. Since independence, numerous laws had been enacted to protect women against discrimination and such evils as child marriage, dowry and rape. Laws relating to marriage, divorce, succession, inheritance, maintenance, custody of children and adoption had been dramatically reformed.

77. Despite the traditional role and significant presence of women in public life in India, however, there had been a need to strengthen their economic and social status in the underdeveloped economy which India had inherited at the time of independence. Initiatives had had to be taken for positive discrimination in favour of women. Budget outlays for women-related issues had increased, particularly for education, health care and employment. As a result, life expectancy for women had doubled in the past 40 years, female literacy had risen to almost 40 per cent in 1991 as against less than 25 per cent in 1981, the enrolment of girls in primary school had increased eightfold since 1950, and the number of women employed in the organized sector had doubled over the past 20 years.

78. Special provisions had been enacted to fight crime against women. For example, if a women died in unnatural circumstances within seven years of marriage and there was a history of that woman having been ill-treated by her husband or his family in order to extract a dowry, the death would be considered as a dowry death and criminal proceedings could be instituted. Similarly, if a woman was treated cruelly by her husband or his family, it was regarded as an offence, cruelty being defined as conduct which might drive a woman to suicide. Stringent provisions had been introduced to put a halt to rape in police custody; in such cases, the minimum sentence had been increased from 7 years to 10. In all such crimes against women, the burden of proof had, broadly speaking, been shifted on to the accused.

79. Special programmes had been started to inform women of their legal rights. Family courts had been set up in which women could avail themselves of the assistance of trained counsellors in resolving disputes and obtaining maintenance payments without delay.

80. It was regrettable that the delegation of Pakistan should have abused yet another agenda item to raise a political and territorial matter. Driven by its unceasing compulsion to lower the level of debate in the Commission, it had alleged that there had been a mass exodus of people from the Indian state of Jammu and Kashmir to Pakistan and to Pakistan-occupied Kashmir. The fact of the matter was that there had been human rights violations in Jammu and Kashmir, but that they had been committed by terrorists who had been aided and abetted by Pakistan. That had resulted in an exodus of nearly 300,000 people from the valley - not to Pakistan, but to Jammu and other parts of India.

81. Mr. BHUIYAN (Bangladesh) said that some way had to be found of substantially reducing the huge amount of paperwork to be processed by the Centre for Human Rights. One way would be to have an arrangement for checking the credentials of the non-governmental organizations (NGOs) and the prima facie veracity of communications. Another would be to require a clear indication in a communication as to whether the available means of legal redress had been exhausted. That would make it possible to focus on communications of genuine substance.

82. The Centre should set up its own data bank in which all communications, the responses of Governments and the decisions of the Working Group on Situations and the Sub-Commission could be stored. That would help eliminate communications of a repetitive nature and those which had previously been disposed of by the Sub-Commission.

83. With regard to the documents produced by the Centre, his delegation had already brought to the attention of the Commission certain irregularities concerning which the Assistant Secretary-General for Human Rights had subsequently provided clarification. His Government would like to reiterate, however, that the Centre must not decide issues on its own or pass on unauthorized information, even for in-house consumption within the United Nations system. When a communication in that regard was received from a Government or regional group, the Centre must address the matter with priority, provide the necessary information or clarification to the respective

Government or group and take any follow-up action required. His Government looked forward to receiving an official reply to its communication to the Centre in which, it hoped, details would also be forthcoming.

84. Mr. SIDAHMED (Sudan) said that the United Nations programme of advisory services, whose original purpose had been to help developing countries to achieve full realization of human rights, had unfortunately been misused by some major Powers to exert political pressure on third-world countries, in disregard of the established legal and constitutional structures in those countries and the extremely difficult economic conditions they had to face in the aftermath of long periods of colonial exploitation.

85. The US$ 13 million allocated to finance the activities of the advisory services since the beginning of the programme in 1988 showed just how inadequate the United Nations efforts had been, especially since only part of that amount was financed from the United Nations regular budget, the rest coming from the Voluntary Fund for Technical Cooperation in the Field of Human Rights, despite the Fund's critical financial situation.

86. The fact that there were two sources of allocations would result in administrative difficulties in the future and might well lead to favouritism in awarding funds. His own country was a case in point. Sudan had been requesting assistance from the Centre since 1991, but to no avail. That led his delegation to conclude that the Centre for Human Rights had applied a selective approach in providing advisory services and technical assistance.

87. The picture given in the Secretary-General's report (E/CN.4/1995/89) regarding the level and scope of advisory and technical services was incomplete, because the report did not explain why certain requests by States had gone unanswered or indicated any efforts being made within the Centre to strengthen the Technical Cooperation Branch or clarify the standards under which services were provided.

88. In the view of his delegation, it was important to establish clear standards for awarding services: complete and prompt consideration must be given to applications by States; the details of such requests must be studied carefully with the State concerned; no model or standard should be imposed on States, and the social and political conditions of the applicant State must be taken into account; and no political considerations should be applied or connection made with any politically motivated resolutions adopted against the applicant State by the Commission on Human Rights.

89. The current attempts to link the awarding of advisory and technical services to cooperation with non-governmental organizations was yet another example of the politicization of such services. His delegation was dismayed that a State could be forced to deal with a non-governmental organization whose sole purpose was to destroy the social and traditional cultures prevalent therein for thousands of years, while national NGOs that were closer to the reality of life in the third-world countries were completely ignored.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)

Statement on Chechnya

90. The CHAIRMAN said that a statement had been agreed upon by the Commission and all its regional groups concerning the situation of human rights in the Republic of Chechnya. He then read out the following statement:

"The Commission on Human Rights considers with concern the situation of human rights in the Republic of Chechnya. Expressing its deep concern over the disproportionate use of force by the Russian armed forces, it deplores the grave violations of human rights before and after the beginning of the present crisis, as well as of international humanitarian law and the continuation of these violations.

The Commission expresses its deep preoccupation with the continued fighting and notes that a lasting cease-fire is not being carried out on the ground. The Commission strongly deplores the high number of victims and the suffering inflicted on the civilian population who are subjected to the effects of armed confrontation and on displaced persons. It also deplores the serious destruction of installations and infrastructure used by civilians. It condemns all violations or attacks on human rights and international humanitarian law and calls for all those who have committed violations of human rights against individuals to be brought to justice.

The Commission on Human Rights calls urgently for an immediate cessation of the fighting and of violations of human rights and to hold a dialogue without delay with the aim of achieving a peaceful solution to the crisis, with respect for the territorial integrity and the Constitution of the Russian Federation, as well as a guarantee of human rights, the restoration of constitutional order and the organization of free and fair elections in the Republic of Chechnya. The Commission calls for an immediate humanitarian cease-fire and for the unhindered delivery of humanitarian aid to all groups of the civilian population in need and free access to all areas of the region of the Chechen crisis for the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR) and all other humanitarian organizations active in the region.

The Commission on Human Rights supports the Organization for Security and Cooperation in Europe (OSCE) in its efforts to seek a durable solution, with respect for human rights. In this connection, the Commission welcomes the decision adopted on 3 February 1995 by the Permanent Council of the OSCE after the report from the Personal Representative of the OSCE Chairman-in-Office for the Republic of Chechnya and urges the Russian Federation to cooperate constructively to further efforts within the framework of the OSCE.

The Commission on Human Rights calls for all those who have been detained during the crisis to be treated in conformity with international humanitarian law and for the ICRC to be permitted to have access to them, in order to verify the conditions of their detention and treatment. To help provide aid to the victims, the Commission asks the Russian authorities to facilitate the activity of humanitarian and human rights organizations.

The Commission on Human Rights requests the High Commissioner for Human Rights to continue a dialogue with the Russian Government in the implementation of his mandate with a view to securing respect for all human rights and to pursue his contacts with the Chairman-in-Office of the OSCE.

The Commission on Human Rights will continue to follow the development of the situation in the Republic of Chechnya and requests the Secretary-General to report on the situation of human rights in the Republic of Chechnya during its fifty-second session under the appropriate item of its agenda."

The meeting rose at 5.55 p.m.